

REMARKS

In complete response to the Office Action dated February 23, 2005, requiring restriction under 35 U.S.C. 121 and 372, Applicants hereby elect, albeit with traverse, the claims of Group I, claims 1, 4 and 13.

According to the MPEP § 803, a restriction between what the Examiner believes to be patentably distinct inventions is proper only where there is a serious burden on the Examiner to examine all the claims in a single application. This is true even when appropriate reasons exist for a restriction requirement.

In the present application, it is believed that because there is a close relationship among the subject matter of the sets of claims, there would be no serious burden on the Examiner to examine all the claims at this time. Indeed, both of Groups I and II are directed to peptides and vaccines comprising the peptide (of SEQ ID NO:1 or SEQ ID NO:6, respectively). Both of Groups III and IV are directed to antibodies against the peptide of Groups I and II, respectively. Both of Groups V and VI are directed to nucleotide sequences encoding the peptide of Groups I and II, respectively, and vaccines comprising the same. Both of Groups VII and VIII are directed to methods for vaccinating a mammal by administering the peptide of Groups I and II, respectively. Both of Groups IX and X are directed to methods for vaccinating a mammal by administering an antibody (of Groups III and IV, respectively) against the peptide of Groups I and II, respectively. Finally, both of Groups XI and XII are directed to methods for methods for vaccinating a mammal by administering the nucleotide sequence (of Groups V and VI, respectively) encoding the peptide of Groups I and II, respectively.

As such, Groups I and II, Groups III and IV, Groups V and VI should be examined together. Moreover, the claims of Groups I and II and the claims of Groups VII and VIII are related as product and process of use of that product. Likewise, the claims of Groups III and IV and the claims of Groups IX and X are related as product and process of use of that product. The claims of Groups V and VI and the claims of Groups XI and XII are related as product and process of use of that product. Thus, it would be reasonable to examine at least the claims related as product and process of use.

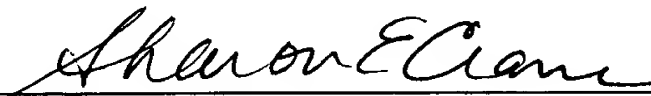
In view of the above, it is respectfully requested that the restriction requirement be withdrawn or at the very least altered.

In the event that there are any questions concerning the present Amendment, or the application in general, the Examiner is respectfully requested to telephone Applicants' undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

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